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10/601,093	06/20/2003	Kaoru Haruna	FY.50639US0A	9756

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EXAMINER

FISCHMANN, BRYAN R

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/601,093

Applicant(s)

HARUNA ET AL.

SA

Examiner

Bryan Fischmann

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10-27-2003</u> . | 6) <input type="checkbox"/> Other: _____ |

Information Disclosure Statement (IDS)

1. The IDS filed 10-27-2003 is objected to, as a check of the PTO "electronic patent data base" shows that the first three US references cited, namely 220,836 to Nelson dated 7/1922, the second, 232,374 also to Nelson dated 7/1923 and the third, 253,557 to White dated 9/1925 did not correspond to the dates and names listed. Instead the PTO data base showed that the first reference was to Hibbard (1879), the second reference was to Smith, et al (1880) and the third was to Small (1882). Additionally, none of the cited references appeared to be pertinent to a snowmobile ski. Therefore, Applicant is requested to submit an additional IDS with the correct names and corresponding dates for the first three US references noted above, if Applicant wants these three references considered, and if the same apparently incorrect reference (patent) numbers cited, that the relevance of the references is set forth.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5, 7, 8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Metheny, US Patent 5,040,818.

Metheny teaches a ski for a snow vehicle, the ski comprising a ski body (101) having a generally horizontal bottom surface that contacts the snow when the ski is in use, a ski mounting bracket (102) located on a top side of the ski body, the ski mounting bracket defining at least in part a pivot point (about 119 - Figure 1) where the ski is attached to the snow vehicle, a wear bar (115) disposed on the bottom side of the ski body, and at least one glide member (116 – see also comments below) also disposed on the bottom side of the ski member, the glide member being positioned at least as low as the lowest most part of the wear bar (Figure 3).

Regarding reference number 116 being described as a “glide member”, note that if reference number 116 was not able to “glide”, and instead, “dig-in”, for example, that the ski assembly would not maintain proper flotation.

Regarding claims 2 and 3, see Figure 1.

Regarding claim 5, see Figure 3.

Regarding claim 7, note that any two parts that are attached may be “detached” from one another with varying degrees of difficulty.

Regarding claim 8, note that Webster's Collegiate Dictionary, 10th Edition defines “unitary” as “having the character of a unit”. Note that the guide member and the ski body may be thought of as part of a “unit”, as the “ski assembly” in a unit comprising a ski body and guide member.

Regarding claim 10, see reference numbers 304, 305 (keel), 306 (recess) and Figure 3.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5, 7 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berto, US Patent 5,443,278, in view of Leonawicz, US Patent 3,605,926.

Berto teaches a ski for a snow vehicle, the ski comprising a ski body (16) having a generally horizontal bottom surface that contacts the snow when the ski is in use, a ski mounting bracket (12) located on a top side of the ski body, the ski mounting bracket defining at least in part a pivot point (Figure 2) where the ski is attached to the snow vehicle, a wear bar (30) disposed on the bottom side of the ski body,

Berto fails to teach at least one glide member disposed on the bottom side of the ski member, the glide member being positioned at least as low as the lowest most part of the wear bar.

However, Leonawicz teaches at least one guide member (14) disposed on the bottom side of the ski member, the glide member being positioned at least as low as the lowest most part of a wear bar (see comments below). The detachable guide member of Leonawicz is advantageous in that the detachable guide member may be attached, as needed, to the ski, which facilitates maneuvering in icy or "hard-packed snow" conditions.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the guide member of Leonawicz on the bottom of the ski of Berto.

Note that comparison of the drawing figures of Berto and Leonawicz, which show the wear bar of Berto directly contacting the ski body and the guide member of Leonawicz with a large gap between the ski body and the guide body leads to the only installation option of the guide member of Leonawicz being below the guide body of Berto.

Regarding claim 5, see the forward and rear surfaces, or the side surfaces of the guide member of Leonawicz.

Regarding the claim 18 recitation "means for preventing a wear bar from entering depressions in the snow surface", note that the wear bar of Berto, being surrounded and "raised" from a ground surface by the guide member of Leonawicz will be unable to enter depressions in the snow surface. Also note that the guide member of Leonawicz will facilitate maneuvering which will allow an operator to effectively maneuver the steering system of the combination snowmobile to prevent unwanted "darting" into depressions in the ground surface. Regarding snowmobile structure such as an engine, transmission and steering mechanism recited in claim 18, the Examiner takes Official Notice that these components are old and well-known in the art. Snowmobile components such as an engine, transmission and steering mechanism are necessary to power and maneuver the vehicle and may be seen on most any snowmobile.

6. Claims 4 and 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Metheny, US Patent 5,040,818,

Metheny fails to explicitly teach at least two guide members, although it should be noted that Figure 1 appears to show a plurality of guide members (116) and the guide members are described on line 10 of column 5 as "inserts" (plural).

However, note that per Section 2144 of the MPEP, that it is considered within the skill level of one of ordinary skill in the art to make integral parts separate. Making the guide member of Metheny into separate guide members is advantageous in that should a portion of the guide member be damaged, that damaged portion may be replaced without replacing the entire guide member.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to manufacture the guide member of Metheny into at least two separate parts.

Note that examination of Figure 1 of Metheny shows that since the guide member 116 of Metheny is longitudinally centered about the pivot point that at least two separate guide members would result in one guide member being forward of the pivot point and the other guide member being aft of the pivot point.

Regarding claim 9, note that the "separate guide members" of Metheny may have the length "adjustable", by adding or subtracting members from the "assembly".

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berto, US Patent 5,443,278, and Leonawicz, US Patent 3,605,926, as applied to claim 1, and further in view of Olsen, et al, US Patent 5,344,168.

The combination ski of Berto fails to teach a cleat that extends downward from an underside of the wear bar.

However, Olsen teaches a cleat (56) that extends downward from the bottom of a wear bar. The cleat of Olsen would be advantageous in the combination ski system of Berto in that should a user decide, based on snow/ice conditions not to use the detachable guide member of Leonawicz, that the cleat of Olsen on the bottom of the wear bar of Berto would facilitate maneuvering on the combination ski of Berto.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a cleat on the bottom of the wear bar of the combination ski of Berto, as taught by Olsen.

8. Claims 1-3, 5,6, 8 and 12-17 are rejected under 35 U.S.C. 103(a) as being over Olsen, US Patent 5,040,818, in view of Berto, US Patent 5,443,278.

Olsen teaches a ski for a snow vehicle, the ski comprising a ski body (20) having a generally horizontal bottom surface that contacts the snow when the ski is in use, a ski mounting bracket (60 and "raised transverse portion between 60 – each side – on Figure 2) located on a top side of the ski body, a wear bar (50) disposed on the bottom side of the ski body, and at least one glide member (56 – see also comments below) also disposed on the bottom side of the ski member, the glide member being positioned at least as low as the lowest most part of the wear bar (Figure 4).

Olsen fails to teach how the ski is attached to the ski body.

However Berto teaches a similarly configured ski including a mounting bracket (12) connected to a snowmobile about a pivot point (where bolt on side of mounting

bracket in Figure 2 is connected to strut 14). A pivotable connection between a ski mounting bracket and a snowmobile strut is advantageous in that the ski may "pivot" relative to the snowmobile strut, facilitating maneuvering.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to pivotally connect the mounting bracket of the ski Olsen to a snowmobile, as taught by Berto.

Regarding reference number 56 being described as a "glide member", note that if reference number 56 was not able to "glide", and instead, "dig-in", for example, that the ski assembly would not maintain proper flotation.

Regarding claims 5 and 17, note that the forward and aft surface of reference number 56 are angled downward from horizontal.

Regarding claim 6 and a similar recitation at the latter portion of claim 12, note that the relatively short length of the glide member 56 of Olsen and noting the mounting bracket height of Olsen and comparing the mounting bracket of Olsen with the mounting bracket of Berto, where the "pivot point" is located, shows that the combination ski of Olsen and Berto teaches a glide member which has a length that is $\frac{1}{4}$ to $\frac{1}{2}$ the distance between the lowest-most point of the glide member and a center of the pivot point. See particularly Figure 1 of Olsen and Figure 2 of Berto.

Regarding claims 14 and 15, note that the glide member of Olsen is longitudinally centered about the pivot point and extends forward and aft of the pivot point.

Regarding claim 16, note that per Section 2144 of the MPEP, that it is considered within the skill level of one of ordinary skill in the art to make integral parts separate.

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Making the guide member of Olsen into separate guide members is advantageous in that should a portion of the guide member be damaged, that damaged portion may be replaced without replacing the entire guide member. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to manufacture the guide member of Olsen into at least two separate parts.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Westberg, Samson, Hollenbeck, Bergstrom, Noble, Khennache, et al – teach snowmobile skis

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Bryan Fischmann whose telephone number is (703) 306-5955. The examiner can normally be reached on Monday through Friday from 9:00 to 5:30.

If attempts to reach the Examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis, can be reached on (703) 308-2560. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


BRYAN FISCHMANN
PRIMARY EXAMINER